

Notice of Allowability

Application No.

09/654,293

Examiner

Thaia N. Ton

Applicant(s)

CHRISTMANN ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/26/05.
2. ☒ The allowed claim(s) is/are 74-106.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Anne-Marie Falk
ANNE-MARIE FALK, PH.D
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kyle Yesland on January 6, 2006.

1. Replace claim 74 with the following:

74. A method of enucleating an avian oocyte comprising: visualizing internal structure of an avian oocyte utilizing two-photon laser scanning microscopy (TPLSM) and ablating the nucleus of the oocyte by near-infrared light, thereby enucleating the avian oocyte.

2. Replace claim 86 with the following:

86. A method of enucleating an avian zygote comprising:
visualizing internal structure of an avian pronuclear zygote utilizing two-photon laser scanning microscopy (TPLSM) and ablating the nucleus of the pronuclear zygote, thereby enucleating the avian zygote.

3. Replace claim 96 with the following:

96. A method of enucleating an avian oocyte or avian zygote comprising:
visualizing internal structure of an avian oocyte or avian zygote utilizing two-photon laser scanning microscopy (TPLSM) at a laser power of about 3 milliwatts to about 6 milliwatts and ablating the nucleus of the oocyte or zygote by infrared light, thereby enucleating the avian oocyte or avian zygote.

4. Replace claim 100 with the following:

100. A method of enucleating an avian oocyte or avian zygote comprising:
visualizing the internal structure of an avian oocyte or avian pronuclear zygote utilizing two-photon laser scanning microscopy (TPLSM) and ablating the

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nucleus of the oocyte or zygote by near-infrared light having a wavelength of about 700 nm to about 1000 nm, thereby enucleating the avian oocyte or avian zygote.

5. Replace claim 104 with the following:

104. A method of enucleating an avian oocyte or avian zygote comprising:
visualizing internal structure of an avian oocyte or avian zygote utilizing two-photon laser scanning microscopy (TPLSM) and ablating the nucleus of the oocyte or pronuclear zygote by near-infrared light using a laser power of about 30 milliwatts to about 70 milliwatts, thereby enucleating the avian oocyte or avian zygote.

Examiner's Comment

The title has been changed to – “Methods of enucleating an avian oocyte or zygote utilizing two-photon laser scanning microscopy”—.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Thaian N. Ton whose telephone number is (571) 272-0736. The Examiner can normally be reached on Monday through Friday from 8:00 to 5:00 (Eastern Standard Time), with alternating Fridays off. Should the Examiner be unavailable, inquiries should be directed to Ram Shukla, SPE of Art Unit 1632, at (571) 272-0735. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the Official Fax at (571) 273-8300. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989).

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Thaia N. Ton
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